

54. (New) A watercraft as recited in Claim 53, wherein at least a portion of the expansion chamber is disposed above the intake manifold.

55. (New) A watercraft as recited in Claim 53, wherein the expansion chamber is the furthest upstream expansion chamber in the exhaust system.

56. (New) A watercraft as recited in Claim 27, wherein the portion of the expansion chamber extends along a side of the engine body.

COMMENTS

Claims 1-46, 48, 49, and 53-56 are now pending in the present application, Claims 27, 29, 30, 36, 37, 39, 40, 43-45, 48, and 49 having been amended, and new Claims 53-56 having been added.

The attached separate page includes the amended claims and paragraphs of the specification showing changes relative to the issued patent, in accordance with 37 C.F.R. § 1.173(c).

A Supplemental Declaration Under 37 C.F.R. § 1.175 is Forthcoming

Applicants will submit a Supplemental Declaration Under 37 C.F.R. § 1.175 with a supplemental response.

Original Patent is Forthcoming

At page 2 of the Office Action, the Examiner has indicated that the original patent, or an affidavit or declaration, must be received before the reissue application can be allowed. Thus, Applicants will file the original patent or an appropriate affidavit with a supplemental response, in accordance with 37 C.F.R. § 1.178.

Claims 27, 28, and 46 are Not Obvious In View of Japan '767 and Otani et al.

Claims 27, 28, and 46 stand rejected as being obvious over Japan '767 in view of Otani et al. Applicants respectfully traverse this rejection. However, in order to expedite prosecution of the present reissue application, Applicants have amended Claim 27. Applicants expressly reserve the right to further prosecute the previously pending form of Claim 27 through continuation practice.

Japan '767 teaches a watercraft having a hull supporting an outboard motor. The powerhead of the outboard motor is contained within a small compartment on a lower surface of the hull. However, Japan '767 does not disclose details about the exhaust system of the outboard motor.

Otani et al. teaches an outboard motor having an exhaust manifold extending downwardly along one side of the engine. An expansion chamber is disposed below the engine. The expansion chamber straddles a plane extending through the crankshaft of the engine. However, Otani et al. does not teach an outboard motor having a crankshaft that extends horizontally.

In contrast, Claim 27 now recites the, among other features, "an engine body journaling an output shaft to rotate about a rotational axis along a longitudinal axis of the hull, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side."

Both Japan '767 and Otani et al. teach outboard motors. No obvious combination of Japan '767 and Otani et al. could result in a watercraft having an engine with a horizontal output shaft. Thus, Claim 27 clearly and non-obviously defines over Japan '767 and Otani et al. Additionally, applicants submit that dependent Claim 28 and new dependent Claim 56 also define over the prior art, not only because they depend from Claim 27, but also on their own merit.

Claims 29, 30, 36, 37, 39, 40, 43-45, 48, and 49 are in Condition for Allowance

Claims 29, 30, 36, 37, 39, 40, 43-45, 48, and 49 have been amended into independent form, and not to narrow or affect the scope of these claims. Thus, since there are no outstanding rejections of these claims, except for the now moot rejection based on a defective Declaration, Claims 29, 30, 36, 37, 39, 40, 43-45, 48, and 49 are now in condition for allowance. Additionally, Applicants submit that the remaining dependent claims depending from Claims 29, 30, 36, 37, 39, 40, 43-45, 48, or 49, are also allowable, not only because they depend from one of Claims 29, 30, 36, 37, 39, 40, 43-45, 48, and 49, but also on their own merit.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

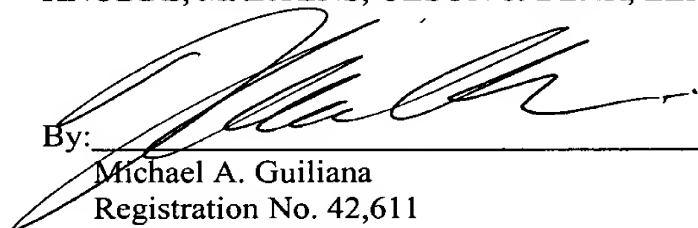
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

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**VERSION WITH MARKINGS SHOWING CHANGES MADE RELATIVE TO
ISSUED PATENT**

IN THE CLAIMS

Claims 27, 29, 30, 36, 37, 39, 40, 43-45, 48, and 49 have been amended and new Claims 53-56 have been added as follows:

27. (Currently Amended) A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis along a longitudinal axis of the hull, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side.

28. (Previously Amended) The watercraft according to Claim 27 additionally comprising an exhaust manifold mounted to the engine body on the first side of the plane so as to communicate with the at least one exhaust port.

29. (Currently Amended) A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side, an exhaust manifold mounted to the engine body on the first side of the plane so as to communicate with the at least one exhaust port, a forward facing outlet provided on the exhaust manifold, and an exhaust passage extending from the outlet of the exhaust manifold, around a forward end of the engine body and to the expansion chamber.

30. (Currently Amended) A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side, an exhaust manifold mounted to the engine body on the first side of the plane so as to communicate with the at least one exhaust port, an outlet provided on the exhaust manifold and positioned at a forward end of the engine, an exhaust passage connecting the outlet with the expansion chamber, and a first water jacket in thermal communication with the exhaust passage.

31. The watercraft to according to Claim 30 additionally comprising a second water jacket in thermal communication with the expansion chamber, the first and second water jackets being in fluidic communication with each other.

32. The watercraft according to Claim 31 additionally comprising a third water jacket in thermal communication with the exhaust manifold, the third water jacket being in fluidic communication with the first water jacket.

33. The watercraft according to Claim 31 additionally comprising a third water jacket in thermal communication with the engine body, the third water jacket being in fluidic communication with the first water jacket.

34. The watercraft according to Claim 31 additionally comprising a water jacket discharge provided downstream from the expansion chamber, the water jacket discharge configured to discharge water from the second water jacket into exhaust gases which flow through the exhaust system.

35. The watercraft according to Claim 34, wherein the water jacket discharge is provided at an elevation below the downstream end of the expansion chamber.

36. (Currently Amendment) A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system

extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side, an intake manifold mounted to the engine body on the second side of the plane so as to communicate with the least one induction port, the expansion chamber being arranged above the induction port.

37. (Currently Amended) A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side, wherein the cylinder axis is inclined with respect to a vertical plane.

38. The watercraft according to Claim 37, wherein the at least one cylinder is provided in a first cylinder block and the engine further comprises a second cylinder block arranged in a V-type configuration with respect to the first cylinder block.

39. (Currently Amended) A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an

expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side, wherein the entire expansion chamber is positioned on the second side of the plane.

40. (Currently Amended) A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side, and a watertrap communicating with the expansion chamber and positioned downstream from the expansion chamber.

41. The watercraft according to Claim 40, wherein the watertrap is positioned on the second side of the plane.

42. The watercraft according to Claim 40, wherein the expansion chamber is provided at an elevation above the watertrap.

43. (Currently Amended) A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane,

opposite the first side, wherein the expansion chamber is inclined with respect to the output shaft such that the upstream end is higher than the downstream end.

44. (Currently Amended) A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side, and a hull tunnel formed on a lower surface of the hull and having a side wall, the exhaust discharge configured to discharge exhaust gases through the side wall of the hull tunnel.

45. (Currently Amended) A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side, wherein the expansion chamber is positioned above the engine body.

46. The watercraft according to Claim 27, wherein the engine is a two-cycle, crankcase compression internal combustion engine.

47. Canceled

48. (Currently Amended) A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system

extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side, wherein the portion of the expansion chamber extends longitudinally along a side of the engine opposite the exhaust port.

49. (Currently Amended) A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side, and at least one intake port included on the engine body, the intake port being provided on the second side of the plane.

50. Cancelled

51. Cancelled

52. Cancelled

53. (New) A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling a shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the shaft, an intake manifold mounted to the engine body on a first side of a plane which contains the cylinder axis and the rotational axis of the shaft, the exhaust system extending from the engine body, first

forwardly, then upwardly and then rearwardly toward the exhaust discharge, the exhaust system also including expansion chamber, at least a portion of the expansion chamber being disposed in the rearwardly extending portion of the exhaust system and being disposed on the first side of the plane.

54. (New) A watercraft as recited in Claim 53, wherein at least a portion of the expansion chamber is disposed above the intake manifold.

55. (New) A watercraft as recited in Claim 53, wherein the expansion chamber is the furthest upstream expansion chamber in the exhaust system.

56. (New) A watercraft as recited in Claim 27, wherein the portion of the expansion chamber extends along a side of the engine body.

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